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REMARKS

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In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

1-3: Rejection under 112, Second Paragraph:

Concerning the Examiner's rejection under 112, Applicant believes that the above amendments to the claims overcome these rejections. The terms and sections which the Examiner identified as being indefinite for failure to distinctly claim the subject matter have been amended to more clearly define the invention.

4: 102(b) Rejection based on Lechot (US 2002/0010470 A1):

The Examiner rejected claims 1, 2, 6, 7, 9 and 10 under 35 U.S.C. §102(b) as being anticipated by Lechot (US 2002/0010470 A1). Applicant traverses this rejection. To sustain a §102 rejection, the Examiner must find each and every claimed element of the invention is a single prior art reference. The Examiner cites Lechot '470 as anticipating Applicant's invention. However, Lechot lacks "a reamer spindle interface structure fixedly attached to the inside of the dome *so as to be substantially inset the interface structure within the dome* in order to help minimize the size of an assembly of the reamer and a reamer spindle when performing joint surgery." According to the specification as originally filed, the "cross 70 is substantially inset from the hemispherical plane (i.e., equator) 50 by a set distance 80 into the central cavity 30 of the reamer shell 10. The latitudinal plane 82, along which the radial spokes 75 are located, is at least 15 degrees from the equator 50 of the hemisphere." Therefore, what

is meant by "inset" is clear in the application as filed. Consequently, the differences between Lechot '470 and the instant invention are clear. Lechot '470 lacking a critical element, Lechot '470 cannot anticipate Applicant's invention. Further, unlike that which the Examiner suggests, namely the "*internal interface*" referred to in his response, the term "interface structure" as defined in the application, means an interface by which a holder removably connects to the reamer. The *internal interface* referred to by the Examiner is never contacted or interfaced with a holder. Consequently, it cannot fairly be characterized as an interface. Nevertheless, Applicant amends claim 1 to make clear that the interface structure must be completely and substantially inset...". By this limitation, Applicant means that not only is the interface structure substantially inset, it is completely inset as well, i.e., it is not just flush with the edge. Further, Applicant has amended claim 1 to define a "lower edge" and the interface is now clearly inset *inwardly from the edge*". It is believed now that the claims as amended are clear and more importantly, clearly distinguish the invention over the prior art. Acknowledgement of this fact is respectfully requested.

5. Rejection under §102(e) as anticipated by Hathaway (US 2003/016135 A1):

The Examiner rejected claims 1-5, 8, 9, 11, and 12 under §102(e) as being anticipated by Hathaway (US 2003/016135 A1). Applicant traverses this rejection. As before, each and every element of Applicant's claims must be found in a single prior art reference in order to support a §102 rejection. Hathaway lacks an *interface structure within the dome* which is substantially inset thereto. Hathaway shows an interface flush with the lower surface of the reamer, and which is not inset thereto. As now amended, claim 1 makes even more clear that the interface structure must be completely and substantially inset...". By this limitation, Applicant means that not only is the interface structure substantially inset, it is completely inset as well, i.e., it is not just flush with the edge. Further, Applicant has amended claim 1 to define a "lower edge" and the interface is now clearly inset *inwardly from the edge*". Hathaway shows an interface flush with the edge. Consequently, it is believed that the invention

is now clearly patentably distinct from the cited prior art. Acknowledgement of this fact is respectfully requested by allowance of these claims.

6. Rejection under §103(a) as being unpatentable over Lechot (US Pat. No. 6,702,819 B2) in view of Nordin (US Patent 3,847,154).

The Examiner rejected claim 13 under §103(a) as being unpatentable over Lechot (US Pat. No. 6,702,819 B2) in view of Nordin (US Patent 3,847,154). Applicant traverses this rejection but nevertheless, has amended claim 13 to depend on claim 1. As already argued, Lechot does not show a substantially inset interface structure and so, claim 13 comprises patentable elements. Any further limitations do not take away from this claim's patentability. Consequently, it is believed that claim 13 is in condition for allowance. Acknowledgment of this fact is respectfully requested.

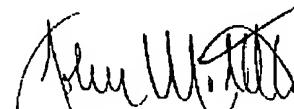
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Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@patentinfo.net.

Applicant petitions the Commissioner for an Extension of time of one month. The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,



John MOETTELI
U.S. Reg. No. 35,289

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